



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,137	03/16/2000	Michael E. Pietraszak	14531.57.2	1992

22913 7590 02/25/2004

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &  
SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

## Office Action Summary

Application No.

09/527,137

Applicant(s)

PIETRASZAK ET AL.

Examiner

Andrew Y Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5.6</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,157,411 to Williams et al. in view of U.S. Patent 5,557,724 to Sampat et al.

Regarding claims 1 and 42, Williams teaches gathering data from plural inputs (such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources (col. 5, ll. 22-51) and storing the data in database. Further, Williams teaches a data parser 204, which collects the data from the various sources and the data engine 206 for storing the data in the database (col. 5-6, ll. 62-9). Williams is silent on explicitly using the data for an electronic program guide (EPG). Official Notice is taken that gathering data from plural sources and displaying in an EPG is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by gathering data from plural sources and displaying in an EPG in order to provide a convenient user interface to the user thereby providing access to various channels independent of source. Williams is silent on calling and executing functions. Sampat teaches loading functions from modules and enabling execution of the functions (col. 33, ll. 6-23). Therefore, it would have been

Art Unit: 2611

obvious to one of ordinary skill at the time the invention was made to modify Williams by loading and executing functions as taught by Sampat in order to provide a uniform interface for a program to access resources thereby promoting a more robust and platform independent system.

Regarding claims 43 and 78, Williams teaches gathering data from plural inputs (such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources (col. 5, ll. 22-51) and storing the data in database. Further, Williams teaches a query interface 208, which collects the data from the various sources and the data engine 206 for storing the data in the database (col. 6, ll. 6-27). Williams is silent on explicitly using the data for an electronic program guide (EPG). Official Notice is taken that gathering data from plural sources and displaying in an EPG is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by gathering data from plural sources and displaying in an EPG in order to provide a convenient user interface to the user thereby providing access to various channels independent of source. Williams is silent on calling and executing functions. Sampat teaches loading functions from modules and enabling execution of the functions (col. 33, ll. 6-23). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Williams by loading and executing functions as taught by Sampat in order to provide a uniform interface for a program to access resources thereby promoting a more robust and platform independent system.

Regarding claims 2-7, 12-41, 44-50, 54-64, and 67-74, Williams is silent on explicit function names and parameters. Official Notice is taken that functions and at least one parameter are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using functions with at least one parameter in order to enable access to uniform access to resources thereby creating a more robust system.

Regarding claims 8-11, 51-53, 65-66, and 75-77, Williams is silent on explicit function names. Official Notice is taken that functions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using functions in order to enable access to uniform access to resources thereby creating a more robust system.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,550,576 to Klosterman teaches an EPG system that gathers data from plural sources.

U.S. Patent 5,990,883 to Byrne et al. teaches integrating information from different tuning spaces and storing the data in a local database (col. 5-6, ll. 59-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk

  
**HAI TRAN**  
**PATENT EXAMINER**